

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

) MDL No. 1456
) Master File No. 1:01-CV-12257-PBS
) Sub-Category Case No. 1:08-CV-11200
)

THIS DOCUMENT RELATES TO:
*United States ex rel. Linnette Sun and Greg
Hamilton, Relators*
v.
*Baxter Hemoglobin Therapeutics and Baxter
International Inc.*

) Judge Patti B. Saris
)
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RELATOR'S SEPARATE MAY 2010 STATUS REPORT

The undersigned counsel for Relator hereby submits the attached Status Report for May 2010, in accordance with the Court's June 17, 2004 Procedural Order.

DATED this 28th day of April, 2010.

Respectfully submitted,

/s/ Mark Allen Kleiman

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CERTIFICATE OF SERVICE

I hereby certify that I, Mark Kleiman, an attorney, counsel for Relators, caused a true and correct copy of the foregoing, RELATORS' SEPARATE MAY 2010 STATUS REPORT, to be delivered to all counsel of record by electronic service on April 28, 2010 for the posting and notification of all parties.

BY: /s/ Mark Kleiman

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MAY 2010 STATUS REPORT

PRIVATE CLASS CASE	<i>United States ex rel. Linnette Sun and Greg Hamilton, Relators v. Baxter Hemoglobin Therapeutics and Baxter International Inc.</i>
MDL DOCKET NUMBER	Master File No. 1:01-CV-12257-PBS Sub-Category Case No. 1:08-CV-11200
JURISDICTION	D. Mass, pursuant to JPML order
STATUS	<p>Transferred to MDL 1456 by JPML on July 14, 2008</p> <p>Court Order entered on July 15, 2008 consolidating <i>Sun</i> case with the lead case No. 01-12257</p> <p>Court received MDL record from the United States District Court for the District of Colorado on August 5, 2008</p> <p>Status Conference held on June 22, 2009</p> <p>Court entered Case Management Order with respect to briefing schedule on June 23, 2009; otherwise, all discovery is stayed</p> <p>Defendant filed Motion for Leave to File Excess Pages on August 14, 2009</p> <p>Relators filed Opposition to Defendant's Motion for Leave to File Excess Pages on August 20, 2009</p> <p>Electronic order entered by the Court granting Defendant's Motion for Leave to File Excess Pages on August 21, 2009</p> <p>Defendant filed Motion to Dismiss Relators' Complaint (and accompanying Memorandum, Declaration, Exhibits, and Proposed Order) on August 14, 2009 (pending)</p> <p>Relators filed Opposition to Defendant's Motion to Dismiss Relators' Complaint (and accompanying Proposed Order) and Motion for Excess Pages on September 15, 2009</p> <p>Defendant filed Reply in Further Support of Its Motion to Dismiss Relators' Complaint (and accompanying Declaration and Exhibits) on September 30, 2009</p>

Relators filed Motion to Lift Stay on Discovery (and accompanying Memorandum, Exhibits, and Proposed Order) on August 31, 2009 **(pending)**

Defendant filed Opposition to Relators' Motion to Lift Stay on Discovery on September 10, 2009

Defendant filed Motion For Leave to Conduct Limited Discovery and for an Extension of Time to Submit Reply Brief, seeking leave to take Relators' depositions, on September 23, 2009

Electronic order entered by the Court granting Defendant's Motion for Leave to Conduct Limited Discovery on October 15, 2009, permitting defendant to take Relators' depositions.

Defendant served two Requests for Documents comprising a total of forty-two items on October 19, 2009.

Defendant served two Notices of Deposition on Relators on October 19, 2009.

Relators produced documents and served Objections and Responses to Requests for Documents on November 19, 2009.

Relators finalized document production for Linnette Sun on January 4, 2010. Production for Greg Hamilton is ongoing.

Defendant deposed Linnette Sun on January 19, 2010 and Greg Hamilton on January 21, 2010.

Defendant filed Supplemental Reply Brief in Further Support of its Motion to Dismiss Relators' Complaint on January 27, 2010.

Hearing on Motion to Dismiss was held February 9, 2010 at 3:30 p.m. The Court issued various rulings on the record.

Memorandum and Order issued by the Court denying Defendant's Motion to Dismiss on March 26, 2010.

Answer and Affirmative Defenses of Baxter Hemoglobin Therapeutics filed April 19, 2010.

Answer and Affirmative Defenses of Baxter International Inc. filed April 19, 2010.